

REMARKS/ARGUMENTS

Upon entry of this Amendment, which amends claims 1, 4-6, 9-10, 15-16, 21-22, 25, 28-30, and 32, cancels claims 2-3, 7, and 20, and adds new claims 34-44, claims 1, 4-6, 8-12, 14-19, and 21-36 will be pending. In the Office Action, claims 16 and 17 were rejected under 35 U.S.C. § 101 because the claimed subject is directed towards non-statutory subject matter; and claims 1-12 and 14-33 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ginter et al. (U.S. Patent No. 5,910,987, hereinafter "Ginter"). Applicants respectfully request reconsideration of the claims in view of the amendments above and remarks below.

Section 101 Rejections

Claim 16 was rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. In response, Applicants have amended claim 16 to read "A computer program product including computer code stored on a computer readable medium, the computer code executable on a computer for providing an electronic marketing presentation". Applicants submit that claim 16, as amended, now fully complies with the requirements of Section 112. Claim 17 depends from claim 16 and thus now fully complies with the requirements of Section 112. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 16-17.

Section 102 Rejections

Claims 1, 4-5, and 38

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Ginter.

Claim 1 recites:

renting out a marketing object container to a first party, wherein the marketing object container is configured to be presented in a web page associated with a second party;

...

receiving a selection of a marketing object in the one or more marketing objects, the selected marketing object being compatible with the selected marketing attribute; and

sending the selected marketing attribute and selected marketing object to be automatically associated with the marketing object container, wherein

the marketing object is automatically presented in the marketing object container being presented in the web page associated with the second party.

Ginter discloses a system for providing content management. Ginter allows content providers to limit the use of content. For example, as disclosed in Fig. 84, content may be provided in content container objects. *See Ginter*, col. 309, lines 35-47. Publishers can extract objects from product containers, which are controlled by content control information. *See Ginter*, col. 309, lines 65-col. 310, line 15.

Nowhere is it disclosed or suggested in Ginter that a marketing attribute selection is received where the marketing attribute describes one or more marketing objects that can be received by the marketing object container. As claimed, a selection of a marketing object is received where the selected marketing object is compatible with the selected marketing attribute. Accordingly, marketing objects associated with the selected marketing attribute may be selected, where the marketing object is compatible with the selected marketing attribute.

The selected marketing attribute and selected marketing object are then sent to be automatically associated with the marketing object container, where the marketing object is automatically presented in the marketing object container being presented in the web page associated with the second party. Thus, a selected marketing object is automatically presented in a marketing object container in a web page associated with a second party. Applicants submit that Ginter does not disclose or suggest any of the above steps. Ginter, in contrast, is directed towards content management and is not directed towards the presentation of marketing objects in the web page associated with the second party.

Accordingly, Applicants respectfully request withdrawal of the rejection of claim 1.

Claims 4-5 and 37 depend from claim 1 and thus derive patentability at least therefrom. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 4-5 and 37.

Claims 6, 8-12, 14, and 38

Claim 6 was rejected under 35 U.S.C. § 102(b) as being anticipated by Ginter.

Applicants submit that Ginter does not disclose or suggest:

receiving a selection of at least one marketing object for insertion in the marketing object container from the first party, the marketing object being compatible with a marketing attribute; and

automatically associating the marketing attribute and the at least one marketing object with the marketing object container, wherein the marketing object is automatically presented in the marketing object container being presented in the website associated with the second party.

As discussed above, Ginter does not disclose or suggest receiving a selection of at least one marketing object for insertion in the marketing object container from the first party, and automatically presenting the marketing object in the marketing object container being presented in the website associated with the second party. Rather, Ginter is directed towards content management. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 6.

Claims 8-12, 14, and 38 depend from claim 6 and thus derive patentability at least therefrom. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 8-12, 14, and 38.

Claims 16-33

Applicants submit that claims 15, 16, 22, 25, 28, and 30 should be allowable for at least a similar rationale as discussed with respect to claims 1 and/or 6. Claim 39 depends from claim 15; claims 17-19, 21, and 40 depend from claim 16; claims 23-24 and 41 depend from claim 22; claims 26-27 and 42 depend from claim 25; claims 29 and 43 depend from claim 28; and claims 31-33 depend from claim 30 and thus derive patentability at least therefrom. Applicants respectfully request withdrawal of the rejections.

Appl. No. 09/483,388
Amdt. dated August 25, 2005
Reply to Office Action of March 25, 2005

PATENT

New claims 34-36

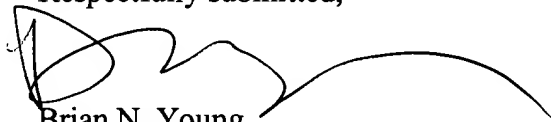
Applicants submit that the cited references do not disclose or suggest every element of new claims 34-36.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Brian N. Young
Reg. No. 48,602

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
Attachments
BNY:ldr:rgy
60539104 v1